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REVISED SCHOOL LAWS

AND

REVISED RULES AND REGULATIONS

OF THE

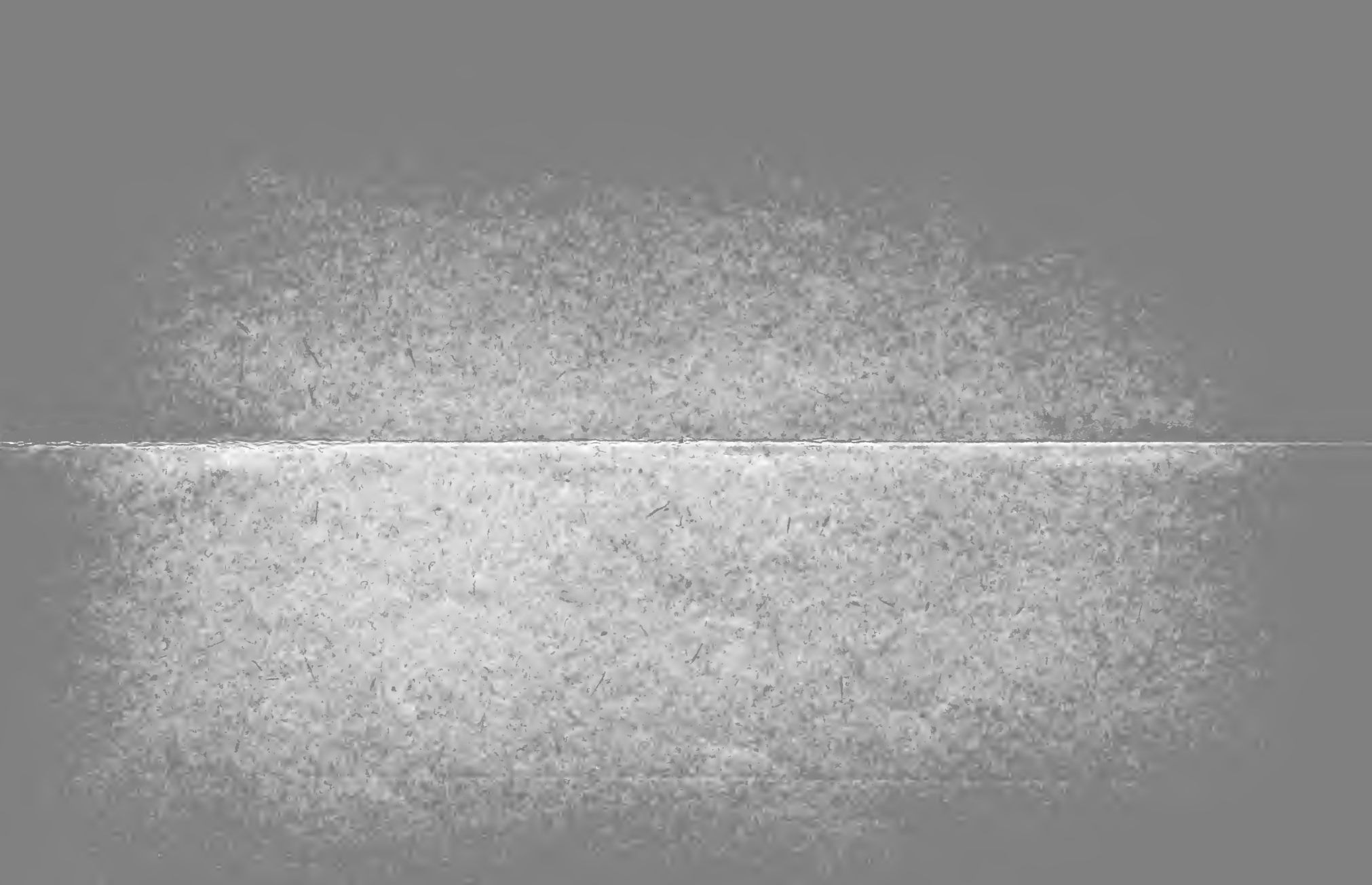
DEPARTMENT OF PUBLIC INSTRUCTION

OF THE

TERRITORY OF HAWAII

1915

HONOLULU:
HAWAIIAN GAZETTE CO., LTD.
1915



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Revised School Laws

1. Department. There shall be an executive department to be known as the Department of Public Instruction, which shall consist of a superintendent of public instruction and six commissioners.

2. Superintendent. The superintendent of public instruction shall be the chief administrative officer of the department, and shall keep an office at the seat of government. The superintendent of public instruction may be referred to in this chapter as the superintendent.

3. Acting Superintendent. The Superintendent of Public Instruction may, with the approval of the Governor, designate some other officer in his department to act in his temporary absence or illness. Such designation shall be in writing and shall be filed in the office of the Secretary of the Territory. Provided, however, that the Superintendent shall be responsible and liable on his official bonds for all acts done or performed by the person designated to act in his absence as herein prescribed.

4. Such person so designated shall, during the temporary absence or illness of the head of such office, have all the powers of the head of such office and shall be known as the Acting Superintendent, but shall not be entitled to any additional compensation while so acting.

5. Commissioners; Appointment, Tenure. The governor, in the manner prescribed in Section 80 of the Organic Act, shall appoint six competent persons to act as commissioners. Two of such appointees shall be residents of the County of Hawaii, one of the County of Maui and one of the County of Kauai. They shall be commissioned for terms of two years. In case of a vacancy among the commissioners from any cause other than the expiration of the tenure of office, such vacancy shall be filled by appointment, and the term of office of such commissioner shall be for the remainder of the term for which his predecessor was appointed.

6. Who Eligible. No person in holy orders or a minister of religion shall be eligible as a commissioner. Women shall be eligible to be appointed as commissioners; provided, however, that not more than three shall hold commissions at any one time. All commissioners shall serve without pay, but shall be entitled to reimbursement for their necessary expenses incurred while attending meetings.

7. Quorum. The superintendent and three commissioners, or, in the absence of the superintendent, four commissioners shall constitute a quorum for the transaction of business. At least one meeting shall

be held in Honolulu during the months of January or February and June or July in each calendar year; such other meetings shall be held as may be necessary for the proper transaction of the business of the department.

8. Superintendent Presides. The superintendent shall preside at all meetings at which he may be present, and in his absence the commissioners may choose one of their number to act as chairman of the meeting.

9. Signs Drafts, Etc., Makes Reports. Except as otherwise provided, the superintendent shall sign all drafts for the payment of moneys, all commissions and appointments, all deeds, official acts or other documents of the department. He shall, not later than the last Wednesday of February in each year, present to the Governor a full report of the principal transactions within his department during the year ending December 31 last preceding, together with such recommendations as he may think proper.

10. Rules, Regulations. The department may adopt rules and regulations not contrary to existing law, for the government of all teachers and pupils, and its officers, agents and servants and for the carrying out of the general scheme of education and for the transaction of its business, which, when approved by the governor and published, shall have the force and effect of law.

11. Office. The department shall maintain an office at the seat of government, which shall be open for the transaction of business every day, excepting Sundays and holidays.

12. Appointment, Removal. The department may, from time to time, appoint and remove such officers and servants as may be necessary for carrying out the purposes of this chapter, and regulate their duties, powers and responsibilities, when not otherwise provided by law.

13. Salaries. The salary of the various school teachers, servants and officers not especially provided by law, shall be such as may be from time to time allowed by the department.

14. Inspector General. For the purpose of supervision and inspection, the department shall appoint an inspector general of schools to hold office during its pleasure; provided, however, that no person in holy orders or a minister of religion, shall be eligible to fill such office.

15. Duties. It shall be the special duty of the inspector general of schools to make frequent tours of the respective islands and districts; to examine into the condition of the public schools; to inform school officers and teachers of their several duties; and to foster generally an interest in the cause of education. The inspector general may, in the discretion of the department, have the power of appointment and dismissal of school teachers; the arranging and re-arranging of studies to be pursued; and the prominence to be given to any particular branch of learning; to examine the books, vouchers and accounts of the various

school agents and local school committees; to hold examinations for the purpose of determining the qualifications of persons desiring to serve as school teachers; to give certificates of approval to those found competent; and to do and perform all other matters and things intrusted to his care by the department. He shall report in writing a distinct statement to the department of all acts and duties performed by him; all of which shall be subject to be approved or disapproved by the department.

16. SECRETARY, DUTIES. The department shall appoint a secretary to hold office during its pleasure. He shall record the doings and transactions of the department, take minutes of all its meetings, noting the same in a book of record; keep the minutes of the meetings of the various committees, if so requested; carry on the necessary correspondance; and keep a true and accurate account of all the financial transactions of the department; and do and perform all other acts and things as may be required of him by the department. He shall have the custody of and be responsible for the safe keeping of all books, records, vouchers and other documents, and all other property of the department kept at its general office at the seat of government.

17. PRINCIPALS, TEACHERS. All schools shall be presided over by qualified teachers. If there shall be more than one teacher in any public school, one of them shall be designated by the department as principal.

18. SUPERVISING PRINCIPALS. The superintendent of public instruction, with the approval of the commissioners of public instruction, is authorized and directed to appoint in the several counties and city and county of the Territory of Hawaii supervising principals for schools not to exceed the following numbers:

County of Hawaii—Three supervising principals.

County of Maui—Two supervising principals.

County of Kauai—One supervising principal.

City and County of Honolulu—Two supervising principals.

19. NO SALARY WARRANTS IN EXCESS OF NUMBER AUTHORIZED. The auditor of the Territory of Hawaii is directed to issue no salary warrants for supervising principals of schools in excess of the numbers above specified for each county and city and county.

20. CARE OF SCHOOL PROPERTY. It shall be the duty of the Board (of County Supervisors) to build, rebuild, repair, equip, maintain, and regulate school houses other than the Normal School, Lahainaluna School, and the Boys' and Girls' Industrial schools.

21. PUNISHMENT OF PUPILS. Any teacher shall have power to administer necessary and reasonable punishment upon any pupils while in attendance at schools, and shall not in any way be held responsible therefor.

22. TEACHERS' CONVENTIONS. The department may establish and maintain one or more teachers' conventions or institutes, or it may

authorize and permit their establishment by and among its teachers, and may direct and authorize the attendance of teachers thereat, as a part of their duties, and may permit the closing of schools at specified limited times, in order to permit their attendance at such conventions or institutes. (See Section 9, General Rules.)

23. Public, Private. All schools established and maintained by the department in accordance with law are public schools. All other schools established and conducted in compliance with law are private schools.

24. Department, Powers and Duties. The department shall have entire charge and control and be responsible for the conduct of all affairs appertaining to public instruction. The department is authorized to establish and maintain schools for secular instruction, at such places and for such terms as in its discretion it may deem advisable and the funds at its disposal may permit. The department shall regulate the course of study to be pursued in all grades of public schools, and classify them by such methods as it shall deem proper. Such schools may include normal schools, high schools, kindergarten schools, schools for technical instruction, boarding schools, evening as well as day schools. The department may also maintain classes for normal, technical and other instruction in any school where there may not be pupils sufficient in number to justify the establishment of separate schools for such purposes.

25. Tuition. There shall be no charge for tuition in any public school; provided, however, that the department may in its discretion establish, maintain and discontinue select schools, taught in the English language, at a charge of such tuition fees for attendance as it may deem proper; provided, however, that such select schools shall be established only in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district.

26. Private, How Established. Any person desiring to establish a private school within the Territory of Hawaii shall, prior to the establishment thereof, make application in writing to the Department of Public Instruction of the Territory, which application shall be signed by the applicant or applicants and shall state in substance (1) the name or names of the persons desiring to establish such schools; (2) the proposed location thereof; and (3) the course of instruction and the languages in which such instruction is to be given.

Upon the receipt and approval of the application, the Department of Public Instruction shall issue to the person or persons applying therefor a permit in form to be by it approved, authorizing the establishment of such school; and no private school shall be established within the Territory except in conformity with this chapter.

All persons conducting schools within the Territory other than public

schools shall on or before the first day of October, 1907, file with the Department of Public Instruction a statement in writing signed by the person or persons conducting such school, showing (1) the name or names of the persons in charge thereof; (2) the location; (3) the course of instruction and the languages in which such instruction is given.

Upon the receipt of such statement and approval by the Department of Public Instruction of the course of study and instruction given, the Department of Public Instruction shall issue to the person or persons in charge of said school a certificate, in form to be by said Department of Public Instruction prescribed, recognizing such school as a private school within the meaning of this chapter.

Attendance at any school established or maintained without complying with the terms of this section shall not be considered attendance at a public or private school within the meaning of this chapter.

27. SUPERVISED BY DEPARTMENT. Every private school shall be subject to the supervision of the department. It shall be the duty of the department to require that teachers of private schools be persons of good moral character; and that the premises of such schools comply with the rules and regulations of the department, as from time to time promulgated with regard to sanitary conditions and hygiene.

28. ENGLISH LANGUAGE, BASIS OF INSTRUCTION. The English language shall be the medium and basis of instruction in all public and private schools within the Territory, and any school where English is not the medium and basis of instruction shall not be recognized as a public or private school within the provisions of this chapter, and attendance thereat shall not be considered attendance at school in compliance with law. Provided, however, that where it is desired that another language shall be taught in addition to the English language, such instruction may be authorized by the department, by direct order in any particular instance.

29. ATTENDANCE COMPULSORY; EXCEPTIONS. The attendance of all children from six to fifteen years of age, at either a public or private school, is obligatory, and it shall be incumbent upon all parents, guardians, and others having the responsibility and care of children of such ages, to send them to some such school; provided that when a child has reached the age of twelve years and has not completed the fourth grade of the primary school, he shall be eligible for instruction only in an industrial school or vocational school, provided there is such a school within four miles of his home or suitable transportation to such a school has been provided; and provided, also, that such attendance shall not be compulsory in the following cases:

First. Where the distance to the nearest school exceeds four miles and no suitable transportation is provided;

Second. When such child shall be physically or mentally unable to

attend school, of which fact the certificate of a duly licensed physician shall be sufficient evidence;

Third. When a competent person is employed as tutor in the family wherein such child resides and proper instruction is thereby imparted;

Fourth. When any child of not less than the age of thirteen years shall have passed the required examinations of both primary and grammar school grades, as such requirements shall from time to time exist, provided he shall be suitably employed;

Fifth. When any child of not less than fourteen years of age is suitably employed under the direction of his parent or guardian.

Sixth. Where upon investigation by the juvenile court, when feasible, or by the district magistrate, it has been shown that for any other reason the child may properly remain away from school.

30. Penalty. If any child of school age shall persist in absenting himself or herself from school, any district magistrate shall, upon a proper complaint being made by the school teacher or any other officer or agent of the department, or any deputy sheriff, or police officer, or any other person, cause such child, and the father or mother, guardian or other person having the charge of such child, to be summoned to appear before such magistrate, and upon its being proved that the person responsible for the child has not used proper diligence to enforce the child's regular attendance at school, such responsible party shall be punished by a fine in a sum not less than five (5) and not exceeding fifty dollars ($50.00), or by imprisonment for not more than two months. In case the child shall prove the offending party, the magistrate shall send him or her to a reformatory or industrial school for a term of not less than six months or more than two years, or otherwise sentence him or her to a fine not exceeding five dollars ($5.00); provided, however, that the provisions of this section shall not apply to any child not liable to compulsory attendance at school.

31. Duties of Deputy Sheriff. It shall be the duty of each deputy sheriff, or such police officers as he shall designate, to not less than once each week visit each public school within the district of which he is deputy sheriff, to ascertain from the teacher or other officer or agent of the Department of Public Instruction in charge thereof what children, if any, of school age persist in absenting themselves from such school. It shall further be the duty of such deputy sheriffs and police officers to require all children under school age, in accordance with the provisions of Section 287, to attend school whether or not complaint is made by any teacher or other officer or agent of said Department of Public Instruction.

32. Attendance, Private Schools. No person within school age shall be considered as complying with the law as to attendance, who shall attend a private school which does not comply with the requirements of this chapter.

33. School Districts. For the better control and management of the public schools, the department is authorized to designate school districts, to establish their boundaries, and to alter the same from time to time as in its discretion it deems most advisable. These districts shall be so arranged that there shall be no unassigned locality.

34. Attend School in what District. All persons of school age shall be required to attend the school of the district in which they reside, unless it shall appear to the department to be desirable to allow the attendance of pupils at a school in some other district, in which case the department or school agent of that district may grant such permission.

35. Record of Pupils. The teachers of all schools, either public or private, shall keep a correct register of the names, sex, age and nationality, as far as ascertainable, date of entering the school, and the places of residence of the children attending their respective schools, and no teacher of any school shall grant a release to any child under fifteen years of age, who shall be registered as attending his school, for the purpose of attending another school, unless the consent and approval of the parents or guardians of such child shall be given in writing to the teacher, or unless authorized to grant such release by the school agent of the district for good reasons shown to his satisfaction. In every such case a certificate in writing shall be granted to the teacher, setting forth the facts in the case. The register shall be carefully preserved, and as often as the department shall direct, the register or a true copy thereof shall be filed in the office of the department.

36. Transfer to Another School. No teacher of any school, either public or private, shall receive into his school any child under fifteen years of age, who shall have attended another school of the same class in the same district, unless such child shall produce to the teacher of the school to be entered, a certificate of release signed by the teacher of the school last attended by the child. If such child apply to attend a school of higher grade, a certificate of proficiency shall be required or a lawful excuse for its absence; provided, that the children from one district desiring to enter a school in another district, may be received or admitted upon producing a certificate of release from the school last attended in such other district. The teacher of any such school who shall violate any of the provisions of this or of Section 217 shall, upon conviction thereof, be subject to a fine not exceeding ten dollars for each offense.

37. Books Furnished at Cost. The department shall furnish all necessary books required for the use of pupils in their respective grades, charging therefor their cost price. All pupils must be supplied by their parents or guardians, or other persons having the custody or care of such pupils, with books requisite for their use. And in case pupils shall not be so supplied, the department may furnish such books, and require the parents or guardians to make payment therefor. If such

payment shall not be promptly made the department shall notify the tax assessor of the district in which the school is located, who shall enter the amount due as a portion of the tax to be collected of such parents or guardians, and the payment of such amount, together with interest and costs, shall be enforced as in the case of delinquent taxes. In cases of extreme poverty, the cost of all books may be remitted by the department; provided, that in such cases the use only of such books shall be authorized, and when the pupils shall have finished the use of the same, the books shall be returned to the department.

38. Proceeds to Treasurer. All moneys received for the sale of books, shall from time to time be paid over to the treasurer with a definite statement of what they represent.

39. School Sites, Buildings, Furniture, Etc., May Transfer to Government. Authority is hereby granted to the department to transfer to the general government all its property, real, personal, or mixed, reserving, however, the management and control of all church sites, school sites, and school buildings, furniture and appliances.

All rights, duties and powers belonging to the board of education prior to June 8, 1896, are to be exercised and performed by the department.

40. Sites on Public Lands. Whenever a site for a school house or land for other educational purposes, as provided by law, shall be required, and the same can be located upon public land, the commissioner of public lands, upon the recommendation of the department and approval of the governor, may set apart sufficient land for such purpose without compensation; and thereupon the commissioner of public lands shall be relieved from all further responsibility or liability in regard to the premises so set apart.

41. Purposes for Taking Private Property. Private property may be taken for the following purposes, which are declared to be public uses, to wit: sites for public buildings, schools and school recreation grounds.

42. Salary Schedule. The Department of Public Instruction is authorized, empowered, and directed to prepare a salary schedule to cover the compensation to be paid all teachers, supervisors and principals. Such schedule shall be based upon a classification of schools, classification of teachers' certificates, and length of service, provided, however, that the schedule as to salaries of principals and supervisors shall be based also upon the number of teachers under their direction. Such schedule, when approved by the governor, and published at least three times in some newspaper of general circulation, printed and published in Honolulu, shall have the force and effect of law. Such schedule may, from time to time, with like approval and publication, be altered, amended or revised. All salaries of teachers, supervisors and principals shall be paid according to such schedule. The total number of

teachers, including supervisors and principals, who may be continuously employed by the department in any one year, shall not exceed one for every thirty-five pupils enrolled in the public schools during the preceding year, provided, however, that the monthly pay-roll of teachers, supervisors and principals, shall not exceed forty-five thousand dollars per month plus fifty dollars additional for every thirty-five children of school age added to the enrollment of the public schools after June 30, 1911.

43. Agricultural and Industrial Pursuits in Schools. It shall be lawful for the Department of Public Instruction to include agricultural and industrial pursuits among the branches of instruction taught by the public schools of the Territory.

44. As Prescribed by Department. The Department of Public Instruction shall have power to prescribe the manner and designate the places in which such pursuits shall be conducted, and also to determine the extent to which they shall be followed, either generally or to suit particular cases.

45. Using Public Lands. For the purpose of this chapter it shall be lawful for the Department of Public Instruction after due notice to the commissioner of public lands or superintendent of public works, as the case may be, to use free of rent, as much of any government land, not otherwise employed, as shall be advantageously cultivated by the teachers and pupils of any public school, and the teachers and pupils aforesaid shall have the right to continue to cultivate such government land so long as the same shall not be otherwise disposed of by the commissioner of public lands, or superintendent of public works, as the case may be, or otherwise ordered by the Department of Public Instruction; and in case of disposal of the same by the commissioner of public lands or superintendent of public works, as the case may be, sufficient notice shall be given to enable the removal of improvements, and the gathering of growing crops, without loss to the owners thereof.

46. Other Lands. Whenever it shall deem the same desirable the Department of Public Instruction may also acquire, on such terms as may be agreed upon, land other than government, that may be advantageously employed for the purposes herein stated.

47. Profits to Teachers and Pupils. All net profits arising from agricultural and industrial pursuits, under this chapter, shall belong to the teachers and pupils actually engaged in such pursuits, and shall be divided among the same in such proportions as the Department of Public Instruction shall deem proper; but the provisions of this section shall not be deemed applicable to schools otherwise regulated by law.

48. Disposition of Funds. All moneys arising from agricultural and industrial pursuits at the Lahainaluna School, and the Boys' and Girls' Industrial Schools, respectively, except such moneys as go to the pupils earning the same, shall, upon receipt thereof, be paid into the

Territorial Treasury, and equal amounts are hereby appropriated out of the moneys in the Treasury for the use of the Department of Public Instruction to be expended by it in the care, maintenance and operation of such schools, respectively.

49. Public School Laws Relate to this Chapter. All laws for the government, discipline and welfare of the public schools of the Territory, shall in their operation be construed to include the enforcement of the provisions of this chapter in relation to agricultural and industrial pursuits in said schools.

50. School Supervision. The teachers and scholars in all public schools throughout the Territory shall provide themselves, within fourteen days after the opening of the annual school term, with certificates signed by some duly licensed and competent physician, as to their freedom from any contagious, infectious or communicable disease. Such certificates shall be upon forms approved by the Board. Physicians appointed by the Board will visit each school in their district for the purpose of making the necessary examinations of those not provided with certificates.

Said certificates shall be renewed each year, and for the protection of the public health a certificate shall be required as a condition of connection with a stay in school. (Sanitary Code.)

51. To Prevent Tuberculosis and the Spread Thereof. No person who shall have contracted tuberculosis shall, while afflicted with such disease, be allowed to teach in any public or private school.

52. Holidays Designated. The following days of each year are set apart and established as Territorial holidays, to wit:

The first day of January,
The twenty-second day of February,
The thirtieth day of May,
The eleventh day of June,
The fourth day of July,
The first Monday in September, known as labor day,
The third Saturday in September, and
The twenty-fifth day of December.

All election days, both primary as well as general, in such county or city and county wherein such election is held.

And any day appointed or recommended by the President of the United States as a day of thanksgiving, fasting or religious observance, or appointed by the Governor of the Territory as a holiday, shall be a Territorial holiday.

TEACHERS' PENSIONS

Section 1. The superintendent and the commissioners of public instruction shall constitute a board of trustees who shall have full control and management of the fund created by this Act. The superintendent shall be chairman of said board. The secretary of the department of public instruction shall be the secretary of said board and shall keep, in a separate book, a true and correct account of all the proceedings of said board. The attorney general of the Territory of Hawaii shall be the legal adviser of said board, and shall attend to all legal matters arising out of the control and management of said fund. The treasurer of the Territory of Hawaii shall be the treasurer of said board. The auditor of the Territory of Hawaii shall audit all accounts of said fund and shall draw all warrants payable from said fund, which warrants shall be drawn only upon the order of a majority vote of said board, which order shall be certified by the chairman and secretary of the board. All pensions shall be paid in equal quarterly installments aggregating in total the amount of pension granted under this Act.

Section 2. The bonded government officials herein named and to whom are assigned duties to be performed in carrying out the intentions of this Act shall be liable upon their official bonds for the faithful performance of the same.

Section 3. There shall be set apart in the treasury of the Territory of Hawaii a special fund for the purpose of this Act which fund shall be known as the Teachers' Pension Fund and which shall consist of the following moneys with interest or income thereof:

1. Two and one-half per cent of the school tax collected in the Territory of Hawaii. One-half of this amount, or one and a quarter per cent of the school tax collected, shall, when paid into the treasury, be set apart semi-annually by the treasurer as a special fund for the purpose of this Act;

2. All donations, legacies and gifts which shall be made to this fund shall, when paid into the treasury, be set apart by the treasurer as a special fund for the purpose of this Act;

3. One per cent per annum of the respective salaries paid to inspectors, principals, teachers and special teachers regularly employed in the public schools of this Territory shall, when paid into the treasury, be set apart by the treasurer as a special fund for the purpose of this Act, except that no deduction shall be made from the salary of any of the aforesaid employees unless authorized by his or her written consent to the same;

4. All moneys which may be obtained from other sources or by

means duly and legally devised by said board, or with their consent, for the increase of said fund shall, when paid into the treasury, be set apart by the treasurer as a special fund for the purpose of this Act;

5. The treasurer shall keep all funds over and above the amount required for the payment of pensions under this Act, invested in interest-bearing bonds issued by the Federal Government, the Territory, or any subdivision thereof, or shall deposit same at interest in any savings bank or savings banks doing business within the Territory.

Section 4. The department of public instruction in making pay rolls for inspectors, principals, teachers and special teachers hereinbefore mentioned shall deduct semi-annually in the months of November and May from the salary of each of the said employees (who has so signified his consent in writing, which consent shall be deemed an application for pension), a sum equal to one-half of one per cent of his or her annual salary, and shall certify the amount of such deductions and the names of such persons from whose salaries such deductions have been made; and such certificates shall accompany the said pay rolls to the auditor of the Territory, who shall draw a warrant for the amount of such deductions, so certified, payable to the treasurer of the Territory, who shall hold the same subject to the disposal of the said board of trustees as hereinbefore specified.

Section 5. The department of public instruction shall have power to retire from service any inspector, principal, teacher or special teacher who shall have served in such capacity or capacities in the schools of this Territory for an aggregate period of twenty-five years, and such person so retired shall become a pensioner under this Act; provided twenty years of such service shall have been spent in the public schools of this Territory.

Section 6. Any inspector, principal, teacher or special teacher who shall have served in such capacity or capacities in the schools of this Territory, or elsewhere in the United States, for a period of thirty years, may voluntarily retire from service in the public schools and become a pensioner under this Act, provided twenty years of such service shall have been spent in the public schools of this Territory.

Section 7. No pension paid under this Act shall exceed forty per cent of the annual salary of the pensioner receiving it at the time of retirement from service, nor shall any pension exceed the sum of four hundred dollars per annum; and further all pensions at all times shall be at the same rate per cent of the salaries of the several pensioners at the time of retirement, except in cases where the pensions at that rate would exceed four hundred dollars per annum.

If the amount of money contained in this fund shall become at any time inadequate to fully carry out the provisions hereinbefore mentioned, and in case the Legislature of the Territory fails to appropriate sufficient amount to make up such deficiency, then the trustees of said

fund shall then pay pro rata to the persons entitled to participate in said fund such amount as in their judgment the condition of the fund will warrant, and such payment shall be in full of all pensions then due under the provisions of this Act.

Section 8. No person shall become a pensioner under this Act who has not contributed to the fund hereby created an amount equal to twenty per cent of his or her salary per annum at the time of retirement; but any such person, otherwise qualified who has been or who shall have been in the service of the department of public instruction prior to July 1, 1916, may become a pensioner under this Act by making a cash payment to the said fund at the time of retirement of such an amount as his or her previous contributions may have fallen short of the required twenty per cent of his or her salary per annum at the time of retirement, provided, however, that such person become within one year from July 1, 1915, an applicant for pension as specified in Section 4. Any duly qualified person on entering the service subsequent to July 1, 1916, may become an applicant for pension, but such person must become an applicant within one year of entrance, or time of service, as affecting this Act will not be counted until such person becomes an actual applicant.

Section 9. If at any time any inspector, principal, teacher or special teacher shall be discharged or shall retire from the service before such person would under this Act be entitled to a pension, then such person shall be paid back one-half, without interest, of the money he or she shall have contributed to this fund. Should any inspector, principal, teacher, or special teacher die before such person would under this Act be entitled to a pension, the heirs or representatives of such person shall receive one-half the amount, without interest, which shall have been paid into the said pension fund by such person.

Section 10. No pension shall be paid from the fund created by this Act before July 1, 1916; but any person legally entitled to become a pensioner under this Act may retire or be retired from the service before that time and shall not be deemed to have forfeited his or her right to become a pensioner under the provisions of this Act.

Section 11. This Act shall take effect from and after the 1st day of July, 1915.

Approved this 19th day of April, A. D. 1915.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Other laws relating to schools are to be found under Title Five of the Revised Laws of 1915 and Acts 8, 29, 59, 81, 93, 120 and 132 of the Session Laws of 1915.

RULES AND REGULATIONS

OF THE

DEPARTMENT OF PUBLIC INSTRUCTION

1. THE DEPARTMENT. (1) The department shall appoint such teachers, principals and supervisors as may be deemed necessary and consistent with the laws, rules and regulations relating to public schools, such appointment, if not made for a definite period, to continue during the pleasure of the department. Regular contracts are issued to duly certificated teachers whose reports during the preceding year show an average of or above the passing mark of 80 per cent. Provisional contracts are issued to teachers who hold no recognized certificate, or whose records during the preceding year have averaged less than 80 per cent. No credit on the salary schedule is given for services rendered under provisional contracts. No increase in salary will be granted a holder of a provisional contract.

(2) The department shall provide for the examination of applicants for positions in the public schools and persons already teaching, and grant, issue and give certificates and diplomas not otherwise provided for by law. If certificates are accepted until the following examination, no further notice that such examination must be taken shall be deemed necessary.

(3) The department shall:

(a) Prescribe, adopt and enforce the use of a uniform series of text books in the public schools;

(b) Fix dates for the opening and closing of the public schools;

(c) Do any and all things necessary to the welfare of the public school system of the Territory not inconsistent with the laws of the Territory.

(4) The order of business of meetings of the department shall be as follows, unless otherwise voted:

(a) Roll call.

(b) Reading minutes of last meeting.

(c) Report of superintendent.

(d) Reports of committees.

(e) Unfinished business.

(f) New business.

2. THE SUPERINTENDENT. The duties of the superintendent shall be:

(1) To preside at all meetings when present.

(2) To cast the deciding vote, in case of a tie, upon all matters requiring a vote of the commissioners.

(3) To determine, with the approval of the local commissioner, or commissioners, which teachers are to have the use of the teachers' cottages.

(4) To perform all things, between meetings of the commissioners, necessary to the proper conduct of the department, subject, however, to the approval of the department.

INSPECTOR GENERAL. For duties see Section 14 of School Laws.

3. SUPERVISING PRINCIPALS. It shall be the duty of each supervising principal:

(1) To have general charge of all the schools in his district.

(2) To see that each teacher carries out the requirements of the course of study and the rules and regulations of the department.

(3) To instruct teachers, when necessary, in the method of teaching, organization and discipline; also to direct the teachers in the work of making programs, daily lesson plans, etc., and approve them.

(4) To see that the registers and records are properly kept.

(5) To examine plan books and make comments on the same in writing, giving date of visit and time spent in room.

(6) To keep a full record of his work, showing the time spent in each school, the necessary time spent in traveling and in preparing work for the schools, making reports, etc., and to send a copy weekly of this record to the department.

(7) To submit to the inspector of schools all information in regard to schools in his districts, programs, daily lesson plans, written work of the pupils, records of his supervision and instruction in teaching, discipline and organization, and all other information that may be necessary for a full and complete inspection of the schools, and generally to perform any other duties required by the department, superintendent or inspector.

(8) To examine into, and if in proper order, approve all orders for supplies before the same are forwarded to the department.

(9) They shall make their orders, suggestions, and directions to teachers in writing, giving the teachers the original and preserving the carbon copy for their own use. They shall have the same initialed by the teacher to whom the order has been issued and by the principal of the school where the teacher is employed.

4. PRINCIPALS. It shall be the duty of the principal, or, in case there should be no principal, the vice-principal:

(1) To classify the pupils of his school and to assign his assistants to the different rooms or grades in accordance with the direction of the supervising principal.

(2) To make rules and regulations for his assistants and pupils necessary to the proper conduct of the school, to be in conformity with law and the rules and regulations of the department.

(3) To admit and release pupils according to the school law and regulations of the department. No assistant may perform this function.

(4) To assume and exercise general supervision over the teaching and discipline of the entire school.

(5) To be responsible for the proper care of all school property in his charge, and to make such rules and regulations, in accordance with the school law and the regulations of the department, as are necessary for his teachers to assist him in the same.

(6) To see that all registers and records of the school are properly kept, and that all reports and answers to circulars, as required by the department, are correctly made by his assistants, and promptly transmitted to the proper authorities.

(7) To make reasonable rules for the conduct of pupils in the school grounds and on their way to and from school.

(8) No principal shall admit into any public school or private school any child afflicted with any infectious or contagious disease, nor retain in the above-named schools any child found to be afflicted with any infectious or contagious disease.

(9) At the end of the summer term to make and transmit to the department an inventory of all property in his charge belonging to the department.

(10) To hold himself responsible to the department through the supervising principal for the proper conduct of his school in all respects.

(11) To be present at school every day at least twenty minutes before the opening of school.

(12) To perform all other duties required by the department, the superintendent, the inspector or the supervising principal.

5. Assistant Teachers. It shall be the duty of the assistant teachers:

(1) To prepare, with the assistance of the principal or vice-principal, and to place on file at the beginning of the term, a daily program, and to keep on file the daily work of the pupils.

(2) To teach the subjects of the course of study.

(3) To keep a correct record as indicated by the school register, and to make reports of the same as directed by the department.

(4) To care for the school property and to assist in the supervision of the pupils during intermission, as indicated by the department through the principal of the school.

(5) To be present at school every day at least fifteen minutes before the opening of school.

(6) To hold school from 9 A. M. to 2 P. M. all school days, except on the last day of the fall and summer terms, on which days schools may

be closed at noon. When special instruction is given in vocational subjects, this time may be extended in the case of pupils who are given such instruction.

(7) At the end of the summer term to make and transmit to the principal an inventory of all property in his charge belonging to the department.

(8) To perform all other duties required by the department or any superior.

6. Industrial and Reformatory Schools. (1) The Department of Public Instruction shall appoint a matron for the Industrial and Reformatory School for Girls, and a Superintendent for the Industrial and Reformatory School for Boys.

(2) The matron and the superintendent of the two above-named reform schools shall keep a journal, in which shall be regularly entered the reception, discharge, release, escape or death of each inmate, together with all the particulars relating to such as shall be apprenticed, adopted or put out to work. (See Sec. 311, Revised Laws.)

(3) The matron and the superintendent of the above-named schools shall report weekly to the Department of Public Instruction, the form of such report to be determined by the Department of Public Instruction.

7. Promotion of Teachers; Schedule of Teachers' Salaries.

(1) The schedules herein contained shall not be considered in the nature of contracts between the teachers and the department. They may be altered or suspended at any time if the department deems it necessary.

(2) Schools shall be classified and salaries fixed each year before the beginning of the regular school year.

They shall be classified as Elementary, High, Normal and Special Schools. These special schools shall include Lahainaluna, boys' and girls' industrial schools and any other industrial or agricultural schools that may be established from time to time.

(3) Assistant teachers obtaining normal diplomas will begin at $60.00 per month, and receive their maximum salary after seven years of service under regular contracts.

(4) Teachers shall be designated as Supervising Principals, Principals, Vice-Principals, Assistants and Special Teachers.

(5) The salaries of assistant teachers in the elementary schools shall be regulated according to the following schedule, based on certificates held and length of satisfactory service—the average mark for the year 80 per cent, or over.

SALARY SCHEDULE FOR ASSISTANT TEACHERS.

Qualifications	*Per Year*	*Per Month*
Permit to teach	$ 480.00	$40.00
Continued permit to teach	540.00	45.00
Certificate:		
First year	600.00	50.00
Second year	660.00	55.00
Third year	720.00	60.00
Fourth year	720.00	60.00
Fifth year	780.00	65.00
Sixth year	780.00	65.00
Seventh year	840.00	70.00
Eighth year	900.00	75.00
Ninth year	960.00	80.00
Tenth year	1,000.00	83.33

No increases in teachers' salaries are to be made except at the beginning of each school year.

Competent teachers in undesirable locations may be paid above schedule.

(6) Qualified teachers in charge of school kitchens and carpenter shops may be paid $10.00 per month (except for July and August) additional salary for satisfactory service when such instruction involves extra time for teaching. Such additional salary shall not be taken into consideration in the computing of vacation salary.

(7) Teachers duly certificated taking the place of teachers in the elementary schools shall be paid at the rate of $2.00 per day; of teachers in high and normal schools, at the rate of $3.50 per day. Substitute teachers without recognized certificates shall be paid not more than $1.50 a day.

(8) SALARY SCHEDULE FOR PRINCIPALS.

School with—	1st Year.	2nd Year.	3rd Year.	4th Year.	5th Year.	6th Year.	7th Year.	8th Year.
Prin. and 1 Asst.	$ 780	$....	$ 840	$....	$ 900	$....	$....	$1000
Prin. and 2 Assts.	840	....	....	900	....	1000	....	1200
Prin. and 3 Assts.	900	1000	....	1200	....	....	....	1500
Prin. and 4 Assts.	1000	....	1200	....	....	1500	....	....
Prin. and 5 Assts.	1000	1200	....	....	1500	....	....	....
Prin. and 6 Assts.	1200	....	....	1500	....	....	....	....
Prin. and 7 Assts.	1200	....	....	1500	....	....	....	1800
Prin. and 8 Assts.	1500	....	....	....	1800	....	....	....
Prin. and 9 Assts.	1500	....	....	....	1800	....	....	....
Prin. and 10 Assts.	1800	....	....	....	....	....	2000	....
Prin. & over 10 Assts.	2000	....	....	....	2400	....	....	....

(9) Salary Schedule for High and Normal School Teachers. Normal and high school teachers teaching high school classes shall be paid in accordance with the following schedule:

$1000 for the first year; $1100 for the second; $1200 for the third; $1500 for the fourth to the tenth inclusive; and thereafter $1800.

Normal practice and teachers in high schools who do not devote the greater part of their time to high school work, shall be paid as follows:

First year, $900; second year, $960; third year, $1020; fourth year, $1080; and fifth year, $1200 (maximum).

(10) The salaries of supervising principals, high and normal school principals, vice-principals, special teachers and teachers in the special schools shall be determined from time to time by the Department of Public Instruction, according to the duties required of such teachers.

(11) There shall be no reduction in an assistant's salary when he is advanced to a principalship. A principal promoted to a larger school shall, in case his previous salary is larger than the initial salary of the larger school, be paid a salary which he would have been paid, had he remained in his former position, and he shall be given credit for time served in the larger school up to the point indicated by the salary schedule.

(12) Except as otherwise provided, the salaries of all teachers in government service are paid in twelve monthly installments, although the work of the school room is accomplished in ten months.

8. Vacation Salaries. For the purposes of this rule, the school year shall be considered as consisting of ten months of teaching and two months of vacation, viz: July and August, all salaries for each school year terminating August 31.

(a) All teachers who are in the service of the department at the close of the spring term shall be entitled to as many tenths of their respective salaries for July and August as they have taught months.

(b) Teachers whose connection with the department has been severed before the close of the spring term shall not be entitled to any salary for July and August, unless they have taught two terms, or at least six months of the current year; provided, that those teachers who have been continuously in the service of the department for three or more years, and shall have continued to teach part of the current year, shall be entitled to their pro rata of the vacation salary.

(c) Teachers who have taught two terms, or at least six months of the current year, and whose connection with the department is severed before the close of the spring term, shall be entitled to as many tenths of their respective salaries for July and August as they have taught months of the current year.

(d) No teacher's name shall appear on the pay roll at the opening of the school year unless said teacher shall actually begin service at that time, nor shall any teacher receive any compensation in that school year until he or she has actually begun service.

(e) A teacher breaking the terms of his contract shall not be entitled to any vacation salary.

9. Dismissal and Transfer of Teachers. (1) A teacher may be dismissed from the service for cause, after a hearing of the case before the department or authorized agent of the department. The following may be considered as sufficient cause for dismissal:

(a) Immoral conduct.
(b) Insubordination.
(c) Inefficiency.
(d) Conviction of a penal offense.
(e) Incurable disease.

A teacher may also be dismissed from the department whenever, after a hearing, it shall appear to the department that such dismissal will be for the benefit of the department.

Dismissal for any of causes (a), (c), (d) will include cancellation of certificate.

(2) A teacher may be transferred from one school to another at the discretion of the Department of Public Instruction.

(3) Salaries may be withheld until reports, health certificates, and inventories are recovered by the department.

(4) A teacher may be reduced in salary for failure to carry out the provisions of the course of study, if his work is unsatisfactory, or for violation of the rules and regulations of the department.

10. Leave of Absence. (1) Leave with full pay for the first seven (7) calendar days and with half pay for the following days up to and not exceeding 60 calendar days MAY be granted in the case of illness confining the teacher to his home. In such cases where the leave is for less than three days, it may be granted on the recommendation of the supervising principal. If such leave is for more than three days, it may be granted upon the presentation of a certificate from a duly licensed physician.

(2) Full pay minus the pay of the substitute, may be granted in

cases of illness not covered by the paragraph above, though a physician's certificate must be furnished if the absence be for more than three days, and in cases of absence on account of confinement.

(3) Leave under paragraphs (1) and (2) can not be granted for more than 60 calendar days in one school year.

(4) Leave without pay may be granted in all other cases where the department may deem it proper; in cases where a teacher, who has given satisfactory service for not less than five years, wishes to be absent for not more than six months, the department may assure such teacher of re-appointment to the former position, as soon as practicable upon his giving notice of his being ready for service.

(5) In no case will salary be paid on leave of absence without a direct application by the absentee having been forwarded to the department, with the approval of the supervising principal.

(6) In cases where a teacher, after having been granted a leave of absence with pay, or part pay for thirty or more days, resigns within two months after the expiration of said leave, no summer salary will be paid such teacher.

(7) Any teacher who is absent without permission from the Superintendent of the department, where it is practicable for such leave to be requested in advance, or from the supervising principal where such a request to the superintendent is impracticable, shall be liable to summary dismissal.

(8) In the case of absence of teachers in districts outside of Honolulu, substitutes shall be appointed by the supervising principal or inspector general, if such can be reached, or, if not, by the principal—not by the teacher who is absent. In the case of the Honolulu schools, principals will apply to the main office of the department for substitutes.

(9) Leave of absence must be granted by supervising principals only in cases of absolute necessity and not for purposes of pleasure. In cases where it is desired to have school excursions or special exercises, the teachers must first obtain permission from the department, and they must, after such excursions or visits, file a detailed report thereon with the supervising principal or the department. Supervising principals will report to the department all cases where leaves of absence have been allowed, and the reason for same.

11. Examinations and Teachers' Certificates. Examinations for teachers' certificates shall be held at least once a year by the Territorial Board of Examiners, at the time and place designated by the Department of Public Instruction.

Certificates of two grades shall be issued, viz:

(a) Primary Grade Certificate.

(b) Grammar Grade Certificate.

(a) *Primary Grade Certificate.*

The requirements for a Primary Grade Certificate shall be as follows:

(1) A written examination in the following subjects: English (literature, history, spelling, composition and grammar), Agriculture, Geography (Hawaiian and general), Hygiene, Sanitation, and Physiology, Vocational Education, Physical Training, Arithmetic, Drawing (illustrative work, as indicated in the Course of Study for Elementary Schools).

Standing required not less than 80% in each subject.

Candidates must be at least eighteen years of age, of good moral character, and in good health.

The candidate who successfully passes these examinations will be entitled to a First Permit, which shall be good for the following school year only.

(2) After one full year's experience in teaching in a public school, candidates must pass a written examination in the methods of teaching the subjects in the Course of Study, School Laws of Hawaii, records and reports of the department required of teachers, and general pedagogy. Grade required to pass: not less than 80% on the written examinations and an average of not less than 80% on the reports of the supervising principal of their school work during the previous school year.

A candidate who successfully passes will be entitled to a Second Permit, which shall be good for the following school year only.

(3) After two full years' experience in teaching in a public school, candidates must pass a written examination in the methods of teaching the subjects in the Course of Study, School Laws of Hawaii, records and reports of the department required of teachers, and pedagogy. Grade required to pass: not less than 80% on the written examinations, and an average of not less than 80% on the reports of the supervising principal of the candidate's work during the previous school year.

The last requirement shall be determined from the reports of the supervising principal, the report of the inspector general of schools, and the written work of the pupils submitted from time to time during the past year, and on file in the office of the department.

To candidates successfully passing these examinations, Primary Grade Certificates will be granted, which will entitle the holders to teach in any primary school in the Territory.

Such Primary Grade Certificates shall be granted to all teachers now employed by the department who hold first-class Primary Grade Certificates without the requirement of any examination, provided that the holders of such certificates shall have had three years of successful experience.

No certificated teacher, now employed by the department, shall be

required to take any examination specified in these rules until the expiration of the period for which his certificate is granted.

Candidates, who have had not less than one full school year of experience, and not more than three years, may take the First Methods examinations.

Teachers, holding First or Second Permits, may take Grammar Grade Certificate examinations, with the exception of the Methods examination, and the grades obtained shall be kept by the board of examiners for future credits. However, no credits will be allowed, nor will certificate be granted, until the requirements for the Primary Grade Certificate have been fulfilled and the certificate granted.

Candidates who have had three or more years of successful experience in teaching in this Territory shall be allowed to take the professional and academic examinations at the same time.

(b) *Grammar Grade Certificate.*

Standing required—not less than 80% in each subject. English—based on college entrance requirements. History—based on college entrance requirements. Geography—commercial, industrial, Hawaiian and general. Algebra—to quadratics. Plane Geometry—first four books. Elementary Science—physics, physiology, biology, botany, hygiene and sanitation. Drawing—ability to illustrate stories of Course of Study and model land forms. Professional Knowledge—methods of teaching subjects of elementary school course; child study, school management, school laws.

Candidates may take part of the subjects one year and part at succeeding examinations; provided, however, that all the examinations must be taken within a period of four years.

In granting a Grammar Grade Certificate, the standing of the candidate shall be determined by the board of examiners by considering the following requirements as of equal value:

(a) Academic preparation.
(b) Professional knowledge.
(c) Skill in teaching and school management.

The last requirement shall be determined from the reports of the supervising principal, the report of the inspector general of schools, and the written work of the pupils submitted from time to time during the past year, and on file in the office of the Department of Public Instruction.

These certificates will entitle the holder to teach in any grammar school of the Territory.

Supervising Principals. Supervising principals shall be appointed by the department, at its discretion, but each appointee must be the holder of a Grammar Grade Certificate.

12. Board of Examiners. There shall be a Board of Examiners

composed of the inspector general of schools as chairman, and four supervising principals or principals appointed by the department.

All matters pertaining to examinations and certification of teachers shall be referred by the department to the Board of Examiners for its recommendation.

When the Board of Examiners is not in session, its chairman is authorized to examine into the credentials and to determine their value, such ruling to be recognized until the subsequent meeting of the Board of Examiners.

13. Rules Governing Examinations. The following rules shall be read and explained to all candidates at the beginning of each examination:

(1) Each candidate shall be furnished with a numbered card, on which he shall write his name. He shall write the number of this card on the headline of each paper given him for the examination. No candidate shall write his name on his paper or attempt to identify his or any other paper. All cards shall be sealed immediately and not be opened until all papers have been examined and all work has been finally credited.

(2) Candidates shall communicate with no one except the person in charge of the room. All communication relative to the examination shall be in a tone of voice sufficiently loud to be heard by all candidates in the room.

(3) Examiners shall not enter into conversation with others than candidates, or leave the room of which they have charge while the examinations are going on.

(4) Candidates shall not leave the room after receiving a paper and before having finished their work on the same without permission of the examiner in charge.

(5) Local examiners shall report to the superintendent any necessary deviations from these rules.

14. Recognition of Credentials. University and college degrees, normal diplomas, state grammar grade certificates and state life diplomas, may at the discretion of the Board of Examiners be accepted as the equivalent of Hawaiian Grammar Grade certificates or diplomas.

Half time taught elsewhere than in the Territory may be allowed in determining the initial salary of teachers; provided, however, such allowance does not exceed seven years.

15. Religious Instruction. No religious instruction shall be given in any public school. This is not to be construed so as to interfere with the practice of opening school with devotional exercises, or to restrict in any way the Sunday services as conducted in the public boarding schools, industrial schools or reformatory schools.

16. Special Days. On the following special days the schools are to be in session, with some time given to appropriate exercises:

Arbor Day.
Lincoln's Birthday.
May Day.
Flag Day.
Peace Day.

(For legal holidays, see Section 52 of School Laws.)

17. General Rules. (1) Employees of the department shall not engage in outside pursuits which cause their school work to be unsatisfactory. In such cases, it shall be lawful for the department to require that such activities cease or that the employee resign.

(2) It shall be unlawful to solicit subscriptions or contributions of money from pupils in the public schools while these are in session, or on the school premises at any time.

(3) The school session shall not be reduced nor the recess periods altered on account of rain or for any other reason, and teachers must remain in the school and perform their duties during the full school day.

(4) The department may excuse from attendance from the Summer School uncertificated teachers who have attended several sessions of the Summer School, and whose records during the preceding year shall have been satisfactory. Teachers thus excused shall be paid a salary allowed teachers who attend the Summer School, but fail to pass the examination.

(5) Where it seems desirable, the superintendent is authorized to grant permission for changing the school hours from regular school time, without, however, reducing the allotted number of school hours.

(6) The department shall give notice to teachers, whose work has fallen below standard, that unless their work shows satisfactory improvement before the end of the year their reappointment may not be recommended. Such notice shall be issued prior to the meeting of the commissioners at which appointments are made for the ensuing school year.

(7) In the case where school books are loaned by the department to needy children, the principal of the school shall keep a record of such books and shall see that they are returned at the end of the school year as property of the school.

(8) Teachers shall read the information relating to the department contained in the *Educational Review*. The department will, after such information has been published, proceed upon the assumption that every teacher is informed on the subject in question.

(9) Only one school day shall be allowed in any one school year for the purpose of attending teachers' conventions.

(10) No profane or indecent language shall be allowed on the school premises or on the way to or from school.

(Signed) HENRY W. KINNEY,
Superintendent;

LEOPOLD G. BLACKMAN,

W. H. SMITH,

T. BRANDT,

MARY ATHERTON RICHARDS,

D. C. LINDSAY,

EMMA R. BOND,
Commissioners.

Approved this 28th day of May, A. D. 1915:

(Sgd.) LUCIUS E. PINKHAM,
Governor of Hawaii.

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